

REMARKS

I. Introduction

In response to the Decision on Appeal dated November 19, 2007, and in conjunction with the Request for Continued Examination (RCE) submitted herewith, claims 1, 9 and 17 have been amended. Claims 1-24 remain in the application. Re-examination and re-consideration of the application is requested.

II. Response to the Decision on Appeal

The Decision on Appeal received from PTO in connection with the above-identified patent application was unfavorable in that the prior art rejections were sustained. Specifically, the decision held that claims 1-24 are obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,208,345 (Sheard), in view of U.S. Patent No. 6,854,107 (Green).

In the Decision, the Board affirmed the rejections of the claims, although based on new grounds not previously asserted by the Office. Specifically, the Board stated that the claim limitations relied upon by Applicants as the "point of novelty" in the application were mental steps performed by a developer when interacting with the system and thus were not entitled to patentable weight.

Consequently, Applicants submit herewith amended claims that eliminate those limitations that were characterized by the Board as being mental steps (e.g., by recasting the claim limitations as the system accepting commands identifying properties of the multi-tier business application).

III. Prior Art Rejections

In the previous Office Action, claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sheard et al., U.S. Patent No. 6,208,345 (Sheard), in view of Green et al., U.S. Patent No. 6,854,107 (Green).

Applicants' attorney respectfully traverses these rejections, in view of the amended claims above and the arguments below.

Specifically, Sheard and Green do not teach or suggest an Integrated Development Environment (IDE) for creating and maintaining a multi-tier business application on a multiple tier computer network, wherein the IDE includes a Topological Multi-Tier Business Application Composer that accepts commands from a developer, and in response thereto, graphically creates and maintains the multi-tier business application, the Composer includes a window and a palette, the

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palette contains graphical constructs representing tiers and components of the tiers that are used to create and maintain a graphical representation of the multi-tier business application in the window, and when creating the multi-tier business application, accepts commands from the developer, and in response thereto, creates and maintains a number of tiers, identifies workstations and servers within each of the tiers, and defines processing performed by each tier and its components.

Instead, Sheard merely describes a visual data integration system for visually linking data exchange components so as to visually define a data communications interface, while Green merely describes the design of a software component architecture for the development of extensible tier software component applications.

Thus, the combination of Sheard and Green does not render obvious Appellants' claimed invention, as amended. Moreover, the various elements of Appellants' claimed invention, as amended, together provide operational advantages over the combination of Sheard and Green. In addition, Appellants' claimed invention, as amended, solves problems not recognized by the combination of Sheard and Green.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

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GHG/

By: [Signature]
Name: George H. Gates
Reg. No.: 33,500